

decision to appeal, leaving my constituents completely voiceless.

Mr. Speaker, in 2 weeks, our region will hold that same annual auction, once again determining rates that will be passed along to families and businesses in my district 3 years down the road. Once again, FERC is understaffed, without a full complement of Commissioners to consider the new rate filings.

Although the situation may sound complex and unique to New England, there is not a corner of this country that is immune from the unpredictability of American energy markets and the resulting burden our consumers and businesses are forced to bear as a result. That is why I urge my colleagues to pass this bill and enact a simple fix to a very complex problem.

Mr. Speaker, I reserve the balance of my time.

Mr. UPTON. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. CARTER), a new member of the committee but an old hand in Congress.

□ 1545

Mr. CARTER of Georgia. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise today in support of H.R. 587, the Fair RATES Act.

This bill would amend the Federal Power Act so that those who are adversely affected by inaction of the Federal Energy Regulatory Commission on utility rate changes will have the right to a rehearing. Under current law, a court challenge to a FERC order may only be brought about petitioning the Commission for a rehearing.

But if the panel is deadlocked and no order is issued by FERC on a utility rate increase, affected parties cannot bring an action because there was no final order. Meanwhile, the utility rate increase moves forward without the ability of affected parties to be heard.

Under the Fair RATES Act, FERC's inaction on a utility's notice of a rate increase within 60 days will be treated as an order accepting the change. Affected parties will then be able to petition for a rehearing on the utility rate change.

This bill will ensure that consumers and other affected parties are able to have their concerns heard by Federal regulators. The Fair RATES Act will hold Federal regulators accountable to ensure utility rate increases are reasonable by increasing transparency in the process.

I urge my colleagues to support this bill.

Mr. KENNEDY. Mr. Speaker, I thank the gentleman for his comment.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from Colorado (Ms. DEGETTE).

Ms. DEGETTE. Mr. Speaker, I want to echo my support for this important piece of legislation.

This bill was passed last year on a bipartisan basis on a voice vote, in fact, but it was never taken up in the other

body. This is becoming kind of a theme today. But, as Mr. KENNEDY pointed out, if we can't move this through Congress in the next few weeks, families and small businesses may be left with electric bills that they cannot afford. So what we are really doing today is we are cleaning up some of the leftover important legislation from the last Congress that really needs to pass.

Mr. UPTON and I worked hard, along with Mr. KENNEDY and Mr. WELCH and many other Members, on the 21st Century Cures bill last Congress. It was one of the last bills we passed on a bipartisan basis. I am happy that the Energy and Commerce Committee is getting a running start today in passing some of our key bipartisan legislation from last Congress, and I am hoping that this will be a bellwether for the rest of this Congress that we will continue in the grand tradition of the Energy and Commerce Committee.

I urge my colleagues to support this important legislation. And I hope that the Senate will work quickly so that we can send this important bill to the President's desk and we can stop those unanticipated rate increases.

Mr. KENNEDY. Mr. Speaker, I yield myself such time as I may consume.

I will stand on the remarks I have already made, and I urge quick passage of the legislation.

I, again, want to extend my gratitude and thanks to Chairman UPTON and his team for all of their work, both last Congress and this one.

I yield back the balance of my time. Mr. UPTON. Mr. Speaker, I yield myself such time as I may consume.

I would just like to reference the kind remarks by my friend, the gentlewoman from Colorado. This is the start of the next Congress. We are certainly looking forward to governing in a bipartisan way. That is what our committee has done for hundreds of bills in the last number of years. I look forward to that continued partnership. I know Chairman WALDEN on the full committee looks forward to doing that as well.

This is just the first step, literally one of the first days, obviously, in the new Trump administration, but we look forward to working with the Senate to get this bill to the new administration and get it signed into law, showing, again, the bipartisan support.

I want to compliment my friend, my colleague from Massachusetts (Mr. KENNEDY), for his good work on this. I urge my colleagues to vote "yes."

I yield back the balance of my time.

Ms. JACKSON LEE. Mr. Speaker, I rise in support of H.R. 587, the "Fair Ratepayer Accountability, Transparency, and Efficiency Standards Act" (Fair RATES Act), which amends the Federal Power Act to permit administrative and judicial review of any rate change filed by a public utility that takes effect without the approval of the Federal Energy Regulatory Commission (FERC).

The need for this change became evident in the wake of a New England Forward Capacity Market Auction in 2014, which occurred at a time when FERC only had 4 Commissioners.

When the New England Forward Capacity Market Auction issue was addressed by FERC, the Commissioners split evenly over the question of whether the auction results were just and reasonable.

Since FERC did not disapprove the auction results, wholesale electricity prices in New England increased dramatically; and

So, while rates went up, none of the affected parties could challenge the decision or resulting rate increase, and, therefore, no rehearing or judicial review was possible.

H.R. 587 provides those who want to challenge similar rulings or non-decisions by FERC the ability to challenge the decision administratively or in the courts.

The bill ensures that stakeholders have recourse when a non-decision by FERC has very real consequences for consumers, producers and others.

This bill would also improve the process by which FERC votes are reconsidered.

I ask my colleagues to join me in supporting H.R. 587.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. UPTON) that the House suspend the rules and pass the bill, H.R. 587.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### ADVANCED NUCLEAR TECHNOLOGY DEVELOPMENT ACT OF 2017

Mr. UPTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 590) to foster civilian research and development of advanced nuclear energy technologies and enhance the licensing and commercial deployment of such technologies.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 590

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Advanced Nuclear Technology Development Act of 2017".

#### SEC. 2. FINDINGS.

Congress finds the following:

(1) Nuclear energy generates approximately 20 percent of the total electricity and approximately 60 percent of the carbon-free electricity of the United States.

(2) Nuclear power plants operate consistently at a 90 percent capacity factor, and provide consumers and businesses with reliable and affordable electricity.

(3) Nuclear power plants generate billions of dollars in national economic activity through nationwide procurements and provide thousands of Americans with high paying jobs contributing substantially to the local economies in communities where they operate.

(4) The United States commercial nuclear industry must continue to lead the international civilian nuclear marketplace, because it is one of our most powerful national security tools, guaranteeing the safe, secure, and exclusively peaceful use of nuclear energy.

(5) Maintaining the Nation's nuclear fleet of commercial light water reactors and expanding the use of new advanced reactor designs would support continued production of reliable baseload electricity and maintain United States global leadership in nuclear power.

(6) Nuclear fusion technology also has the potential to generate electricity with significantly increased safety performance and no radioactive waste.

(7) The development of advanced reactor designs would benefit from a performance-based, risk-informed, efficient, and cost-effective regulatory framework with defined milestones and the opportunity for applicants to demonstrate progress through Nuclear Regulatory Commission approval.

### SEC. 3. DEFINITIONS.

In this Act:

(1) **ADVANCED NUCLEAR REACTOR.**—The term “advanced nuclear reactor” means—

(A) a nuclear fission reactor with significant improvements over the most recent generation of nuclear fission reactors, which may include inherent safety features, lower waste yields, greater fuel utilization, superior reliability, resistance to proliferation, and increased thermal efficiency; or

(B) a nuclear fusion reactor.

(2) **DEPARTMENT.**—The term “Department” means the Department of Energy.

(3) **LICENSING.**—The term “licensing” means NRC activities related to reviewing applications for licenses, permits, and design certifications, and requests for any other regulatory approval for nuclear reactors within the responsibilities of the NRC under the Atomic Energy Act of 1954.

(4) **NATIONAL LABORATORY.**—The term “National Laboratory” has the meaning given that term in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801).

(5) **NRC.**—The term “NRC” means the Nuclear Regulatory Commission.

(6) **SECRETARY.**—The term “Secretary” means the Secretary of Energy.

### SEC. 4. AGENCY COORDINATION.

The NRC and the Department shall enter into the a memorandum of understanding regarding the following topics:

(1) **TECHNICAL EXPERTISE.**—Ensuring that the Department has sufficient technical expertise to support the civilian nuclear industry's timely research, development, demonstration, and commercial application of safe, innovative advanced reactor technology and the NRC has sufficient technical expertise to support the evaluation of applications for licenses, permits, and design certifications, and other requests for regulatory approval for advanced reactors.

(2) **MODELING AND SIMULATION.**—The use of computers and software codes to calculate the behavior and performance of advanced reactors based on mathematical models of their physical behavior.

(3) **FACILITIES.**—Ensuring that the Department maintains and develops the facilities to enable the civilian nuclear industry's timely research, development, demonstration, and commercial application of safe, innovative reactor technology and ensuring that the NRC has access to such facilities, as needed.

### SEC. 5. ADVANCED REACTOR REGULATORY FRAMEWORK.

(a) **PLAN REQUIRED.**—Not later than 1 year after the date of enactment of this Act, the NRC shall transmit to Congress a plan for developing an efficient, risk-informed, technology-neutral framework for advanced reactor licensing. The plan shall evaluate the following subjects, consistent with the NRC's role in protecting public health and safety and common defense and security:

(1) The unique aspects of advanced reactor licensing and any associated legal, regu-

latory, and policy issues the NRC will need to address to develop a framework for licensing advanced reactors.

(2) Options for licensing advanced reactors under existing NRC regulations in title 10 of the Code of Federal Regulations, a proposed new regulatory framework, or a combination of these approaches.

(3) Options to expedite and streamline the licensing of advanced reactors, including opportunities to minimize the time from application submittal to final NRC licensing decision and minimize the delays that may result from any necessary amendments or supplements to applications.

(4) Options to expand the incorporation of consensus-based codes and standards into the advanced reactor regulatory framework to minimize time to completion and provide flexibility in implementation.

(5) Options to make the advanced reactor licensing framework more predictable. This evaluation should consider opportunities to improve the process by which application review milestones are established and maintained.

(6) Options to allow applicants to use phased review processes under which the NRC issues approvals that do not require the NRC to re-review previously approved information. This evaluation shall consider the NRC's ability to review and conditionally approve partial applications, early design information, and submittals that contain design criteria and processes to be used to develop information to support a later phase of the design review.

(7) The extent to which NRC action or modification of policy is needed to implement any part of the plan required by this subsection.

(8) The role of licensing advanced reactors within NRC long-term strategic resource planning, staffing, and funding levels.

(9) Options to provide cost-sharing financial structures for license applicants in a phased licensing process.

(b) **COORDINATION AND STAKEHOLDER INPUT REQUIRED.**—In developing the plan required by subsection (a), the NRC shall seek input from the Department, the nuclear industry, and other public stakeholders.

(c) **COST AND SCHEDULE ESTIMATE.**—The plan required by subsection (a) shall include proposed cost estimates, budgets, and specific milestones for implementing the advanced reactor regulatory framework by September 30, 2019.

(d) **DESIGN CERTIFICATION STATUS.**—In the NRC's first budget request after the acceptance of any design certification application for an advanced nuclear reactor, and annually thereafter, the NRC shall provide the status of performance metrics and milestone schedules. The budget request shall include a plan to correct or recover from any milestone schedule delays, including delays because of NRC's inability to commit resources for its review of the design certification applications.

### SEC. 6. USER FEES AND ANNUAL CHARGES.

Section 6101(c)(2)(A) of the Omnibus Budget Reconciliation Act of 1990 (42 U.S.C. 2214(c)(2)(A)) is amended—

(1) by striking “and” at the end of clause (iii);

(2) by striking the period at the end of clause (iv) and inserting “; and”; and

(3) by adding at the end the following:

“(v) for fiscal years ending before October 1, 2020, amounts appropriated to the Commission for activities related to the development of regulatory infrastructure for advanced nuclear reactor technologies.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. UPTON) and the gentle-

woman from Colorado (Ms. DEGETTE) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

### GENERAL LEAVE

Mr. UPTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous materials in the RECORD on the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. UPTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 590, the Advanced Nuclear Technology Development Act of 2017.

This is a bipartisan bill. It passed in the last Congress as well. It was cosponsored and led by Congressmen LATTA and MCNERNEY. And it will help American innovators and entrepreneurs develop and license advanced nuclear technologies. The U.S. will require reliable, baseload, and affordable energy in decades to come, and nuclear power has to remain an integral part of our electricity generation portfolio.

Unfortunately, an outdated and rigid regulatory regime will stifle new nuclear technology development. This bill will help modernize the regulatory framework for the 21st century to be adaptive, technology inclusive, and certainly predictable.

Advanced nuclear technologies may provide breakthroughs in safety and efficiency over the existing fleet of nuclear power plants. Absent the proper regulatory framework, our nuclear scientists and industry will look to other parts of the world to construct game-changing nuclear technologies. So the U.S. has to remain a global leader to create and maintain highly-paying and highly-skilled jobs right here at home.

This bill is a step towards ensuring that the NRC has the necessary expertise and the resources to be able to review and license new technologies and reactor designs, while appropriately collaborating with the Department of Energy's nuclear energy research programs and the private sector. With the Federal Government, national labs, universities, and private industry all working together towards a common goal, the future of nuclear industry energy is certainly bright.

In the last Congress, as I mentioned at the beginning, this legislation passed unanimously out of the Energy and Commerce Committee and passed the House by a voice vote. I am pleased to support this legislation again, as part of our efforts to address burdensome regs that stifle economic growth and new technologies. I urge all of my colleagues to support it.

I reserve the balance of my time.

HOUSE OF REPRESENTATIVES, COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY,

Washington, DC, January 23, 2017.

Hon. GREG WALDEN,

Chairman, Committee on Energy and Commerce, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I am writing concerning H.R. 590, the "Advanced Nuclear Technology Development Act of 2017," which was introduced on January 20, 2017.

H.R. 590 contains provisions within the Committee on Science, Space, and Technology's Rule X jurisdiction. In order to expedite this bill for floor consideration, the Committee on Science, Space, and Technology will forego action on the bill. This is being done on the basis of our mutual understanding that doing so will in no way diminish or alter the jurisdiction of the Committee on Science, Space, and Technology with respect to the appointment of conferees, or to any future jurisdictional claim over the subject matters contained in the bill or similar legislation.

I would appreciate your response to this letter confirming this understanding, and would request that you include a copy of this letter and your response in the Congressional Record during the floor consideration of this bill. Thank you in advance for your cooperation.

Sincerely,

LAMAR SMITH,  
Chairman.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON ENERGY AND COMMERCE,  
Washington, DC, January 23, 2017.

Hon. LAMAR SMITH,

Chairman, Committee on Science, Space, and Technology, Washington, DC.

DEAR CHAIRMAN SMITH: Thank you for your letter concerning H.R. 590, Advanced Nuclear Technology Development Act of 2017.

As you noted, H.R. 590 contains provisions within the Committee on Science, Space, and Technology's Rule X jurisdiction. I appreciate your willingness to forego action on the bill in order to expedite this bill for floor consideration. I agree that doing so will in no way diminish or alter the jurisdiction of the Committee on Science, Space, and Technology with respect to the appointment of conferees, or to any future jurisdictional claim over the subject matters contained in the bill or similar legislation.

I will place a copy of your letter and this response into the Congressional Record during the Floor consideration of this bill.

Sincerely,

GREG WALDEN,  
Chairman.

Ms. DEGETTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 590, the Advanced Nuclear Technology Development Act of 2017, introduced by Representatives LATTA and MCNERNEY.

This bill would enhance coordination between the Nuclear Regulatory Commission and the Department of Energy by requiring them to enter into a memorandum of understanding on issues related to advanced nuclear reactor technology.

This is a worthy goal, as the chairman said, and is a commonsense way for the Federal Government to support the advanced nuclear power industry. Advanced nuclear technologies have the potential to generate power more safely and with less nuclear waste, which is why I believe the Federal Gov-

ernment should be supporting advancements in nuclear technology.

The bill also requires NRC to develop an advanced reactor regulatory framework to evaluate options to expedite advanced reactor licensing and to make it more predictable. NRC would have 1 year from the date of enactment to submit this plan to Congress. In developing the plan, NRC must also seek input from interested stakeholders, which I believe to be a crucial part of this process.

Nuclear energy must play a continued role in our country's clean energy future to enable us to reach our goals set forth in the Paris climate agreement. I believe the Advanced Nuclear Technology Development Act will enable the Federal Government to more efficiently evaluate and support these promising nuclear technologies, which can put us on a path towards greater reductions in carbon emissions.

I commend both Representatives LATTA and MCNERNEY for introducing this important legislation, and I urge my colleagues to support it.

Mr. Speaker, I don't believe we have any further speakers on this, so I yield back the balance of my time.

Mr. UPTON. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. CARTER).

Mr. CARTER of Georgia. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise today in support of H.R. 590, the Advanced Nuclear Technology Development Act of 2017.

This bill would require the Department of Energy and the Nuclear Regulatory Commission to work together to further the development of advanced nuclear technology. By directing the Department of Energy and the Nuclear Regulatory Commission to enter into a memorandum of understanding, this bill will reduce bureaucratic barriers to advanced nuclear technology research and development.

Growing a closer partnership between the Department of Energy and the Nuclear Regulatory Commission will help to chart an energy independence path for our Nation as we seek new possibilities and alternatives to power our way to a better future. Energy independence is critical to both our national security and to the continued growth of our economy.

There has been a considerable amount of research and development that has gone into nuclear energy, and it accounts for 60 percent of the clean energy produced in the United States. This legislation will knock down those walls to innovation and will provide an opportunity to develop advanced reactor designs that could be vital to our energy infrastructure.

I applaud my good friend, Mr. LATTA, for his leadership on this issue, and the Energy and Commerce Committee for their work on this bill.

I urge my colleagues to support this bill.

Mr. UPTON. Mr. Speaker, I urge my colleagues to again support this legis-

lating on a bipartisan basis, and I thank all of my colleagues for speaking in support of it.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. UPTON) that the House suspend the rules and pass the bill, H.R. 590.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### EPS IMPROVEMENT ACT OF 2017

Mr. UPTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 518) to amend the Energy Policy and Conservation Act to exclude power supply circuits, drivers, and devices designed to be connected to, and power, light-emitting diodes or organic light-emitting diodes providing illumination from energy conservation standards for external power supplies, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 518

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "EPS Improvement Act of 2017".

#### SEC. 2. APPLICATION OF ENERGY CONSERVATION STANDARDS TO CERTAIN EXTERNAL POWER SUPPLIES.

(a) DEFINITION OF EXTERNAL POWER SUPPLY.—Section 321(36)(A) of the Energy Policy and Conservation Act (42 U.S.C. 6291(36)(A)) is amended—

(1) by striking the subparagraph designation and all that follows through "The term" and inserting the following:

"(A) EXTERNAL POWER SUPPLY.—

"(i) IN GENERAL.—The term"; and

(2) by adding at the end the following:

"(ii) EXCLUSION.—The term 'external power supply' does not include a power supply circuit, driver, or device that is designed exclusively to be connected to, and power—

"(I) light-emitting diodes providing illumination;

"(II) organic light-emitting diodes providing illumination; or

"(III) ceiling fans using direct current motors."

(b) STANDARDS FOR LIGHTING POWER SUPPLY CIRCUITS.—

(1) DEFINITION.—Section 340(2)(B) of the Energy Policy and Conservation Act (42 U.S.C. 6311(2)(B)) is amended by striking clause (v) and inserting the following:

"(v) electric lights and lighting power supply circuits;"

(2) ENERGY CONSERVATION STANDARD FOR CERTAIN EQUIPMENT.—Section 342 of the Energy Policy and Conservation Act (42 U.S.C. 6313) is amended by adding at the end the following:

"(g) LIGHTING POWER SUPPLY CIRCUITS.—If the Secretary, acting pursuant to section 341(b), includes as covered equipment solid state lighting power supply circuits, drivers, or devices described in section 321(36)(A)(ii), the Secretary may prescribe under this part, not earlier than 1 year after the date on which a test procedure has been prescribed, an energy conservation standard for such equipment."